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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/507,087

05/18/2005

Giampaolo Nelzi

163-563

8835

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NEW YORK, NY 10036

EXAMINER
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BRADFORD, CANDACE L

ART UNIT	PAPER NUMBER
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3634

MAIL DATE	DELIVERY MODE
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02/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/507,087	Applicant(s) NELZI, GIAMPAOLO	
	Examiner CANDACE L. BRADFORD	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11/2/07 amendment.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,9-13 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-7,9-13 and 15-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

Claim 4 is objected to because of the following informalities: Claim 4 depends from a cancelled claim. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 4-7, 9-13, and 15-17 are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. The previous action listed numerous issues, although applicant addressed some, overall the claims are still unclear. The claims are replete with errors, for example, but not limited to:

Claim 5 recites the limitation "it" in line 11. There is insufficient antecedent basis for this limitation in the claim. It is unclear as to what the term "it" is referring to.

Regarding claim 10, the phrase "preferably" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "preferably"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

It is unclear as to what the applicant is referring to in Claim 16, lines 24-27. "At least one end of said extension (PRO) is equipped with attachment holes of said portion

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stop.....which is angular shaped, is placed between said first position stop". It is unclear to the examiner what is being placed.

Also regarding claim 16, there appears to be a problem with antecedent basis of what appears to be multiple containers. Note claim 17 has similar problems.

Applicant is required to review all claims and ensure they are clear, concise and in proper idiomatic English.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

As best understood, claims 1 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vesbach (4102382) in view of Ubelhart (528018). Vesbach discloses an improved hydraulic lifting sectional security door capable of being installed at an entry space to a room comprising a pair of profiles 19, associated with respective rails 20, arranged near to each frame of the entry space, a series of panels 12, 13, 14, 15, articulated together and a device or group 48 for lifting the panels, which includes a hydraulic cylinder, to which lifting cables 59 and 66 are fixed, characterized in that said lifting cables start from stops 58, in a substantially central position with respect to said cylinder 31, and exit towards return pulleys 60, 67, in a balanced manner, such that said device group 48, can be installed with the hydraulic cylinder 31, in a right or left position with respect to the entry space, according to the user's desires and requirements.

Vesbach further discloses an improved hydraulic lifting sectional security door having wherein the hydraulic cylinder 31, is connected to a plurality of lifting pulleys and in particular, has a stem 70, equipped with at least on first axis 38, on which at least one first pair 56,57 of said lifting pulleys rotates, and with at least one second axis 47, on which at least one second pair 50, 52 of said lifting pulleys rotates, said stops/locks 58, are used for the hooking of the lifting cables being mounted on said first 38, or second 47, axis, for each side of the cylinder 31. The lifting cables 59, 66 pass alternatively, on the lifting pulleys PL1, PL2, PL3, PL4, journalled on to said first 38, and second 47, axis, as tackle, before being sent to said return pulleys 60, 67, or else they go directly from said second axis to said return pulleys. The lifting cables and start from stops arranged in a position next to said cylinder 31, and their exit in the direction of the return pulleys takes place in outer sides of said first pair of lifting pulleys so as to be able to take said cylinder and the exit of the hydraulic tube 39, to the right or to the left of the entry space simply varying a first cable leaving at angle downwards on a first return pulley and taking a second cable after having been deviated by 180 degrees on a second return pulley. Vesbach fails to disclose having the lifting group 48, enclosed in a container.

Ubelhart discloses enclosing a pulley lifting system within an enclosure 20, having at least one cover and a shaped profile closed at the side by position stops 31' fixed to said container 20, which are invertible and are formed from a suitably bent and shaped sheet with a series of bores, as best seen in Figures 6 and 7, and in that each position stop has at least one pin on which at least one of the said return pulleys 31, is journalled, as best seen in Figure 2. The container 20, has at least one intermediate

face 22, on which at least one cylinder support, one cylinder block, one tube support, one micro switch support, and one support for at least one micro switch carrying bar can be formed. The container 20, also has a series of holes on both sides for the exit of the lifting cables 70, as best seen in Figure 10.

It would have been obvious to one of ordinary skill in the art to modify the hydraulic lifting sectional security door of Vesbach with the enclosure disclosed by Ubelhart in order to protect the lifting group or system from any harm, dust, or debris that could cause damage to the hydraulics or pulleys.

As best understood, claims 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vesbach (4102382) in view of Ubelhart (528018). It would have been obvious to one of ordinary skill in the art to modify the hydraulic lifting sectional security door with a telescoping cover because telescoping or extending covers are well known in the art and can be found on several types of partitions and closures.

As best understood, claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vesbach (4102382) in view of Ubelhart (528018) in further view of Beaudoin et. al. ( 6279268). Vesbach in view of Ubelhart, fails to disclose a screw adjustment system and a safety mechanism that locks the door in an open position if a cable fails. Beaudoin et. al. teach a screw adjustment and safety mechanism wherein the tension of the cable can be adjust precisely using the tensioner 21, and further comprises a plate 43, a throat, and a biscuit 35. It would have been obvious to one of ordinary skill in the art to modify the hydraulic lifting sectional security

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door disclosed by Vesbach in view of Ubelhart with the screw adjustment system and safety mechanism as taught by Beaudoin et. al. in order to have the ability to precisely alter the tension of the lifting cables and also to increase the safety on the door system by locking it open if a cable should fail. This protects not only the user or any people nearby but also the door itself, which could incur damage if it slams shut.

As best understood, claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vesbach (4102382) in view of Ubelhart (528018) as applied to claims 1 and 4-6, 12, 13 above, and further in view of Moreau (6612359). Vesbach in view of Ubelhart in further view of Beaudoin et. al. fails to disclose a hydraulic lifting sectional security door with an emergency lifting system. Moreau teaches a slider curtain having an emergency lifting system that utilizes an exterior power source to lift the door such as a drill, as best seen in Figure 9, to open the door. It would have been obvious to one of ordinary skill in the art to modify the hydraulic lifting sectional security door of Vesbach with an emergency lifting system as taught by Moreau so that the door can be operated without electricity.

#### ***Allowable Subject Matter***

Examiner is withholding an opinion on allowance until the claims are clearly presented.

#### ***Response to Arguments***

Applicant's arguments filed 11/2/07 have been fully considered but they are not persuasive. The applicant's attention is drawn to page 15 of the remarks. The applicant states that the Vesbach reference fails to disclose a motorization container with a

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shaped profile that is closed at the sides by position stops fixed to the motorization container. The examiner would like to note that it is the combination of door of Vesbach with the motorization container 20 of Ubelhart, which is used to overcome the claimed features of the invention. The applicant's attention is drawn to page 16 of the remarks. The applicant states the pulling device of Ubelhart is not hydraulically operated. The examiner would like to draw to applicants attention to column 3, line 59, of Vesbach, it recites that the cylinder is a fluid actuated device. The applicant states the Beaudoin et. al. reference does not provide a suggestion for the use of a motorization container in conjunction with a hydraulic door lifter. It should be noted that the combination of Vesbach in view of Ubelhart provides suggestion for the use of a motorization container in conjunction with a hydraulic door, as advanced above. The Beaudoin et. al. reference is used to teach a screw adjustment and safety mechanism wherein the tension of the cable can be adjust precisely using the tensioner 21, and further comprises a plate 43, a throat, and a biscuit 35 for industrial doors for example. The applicant states the Moreau reference does not suggest using an emergency device for raising or lowering a hydraulic door. Moreau teaches a slider curtain having an emergency lifting system that utilizes and exterior power source to lift the door such as a drill, as best seen in Figure 9, to open the door. It would have been obvious to one of ordinary skill in the art to modify the hydraulic lifting sectional security door of Vesbach in view of Ubelhart with an emergency lifting system as taught by Moreau so that the door can be operated without electricity.

***Conclusion***



**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

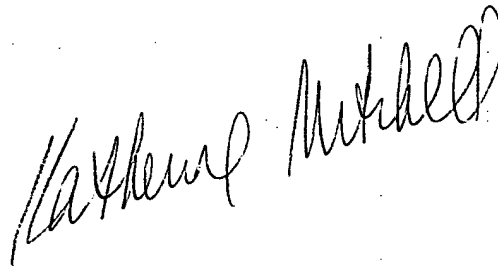
Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDACE L. BRADFORD whose telephone number is (571)272-8967. The examiner can normally be reached on 9am until 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-8967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Candace L. Bradford  
Patent Examiner  
Art Unit 3634  
January 30, 2008

A handwritten signature in black ink, appearing to read "Katherine Mitchell", written in a cursive style.

**Katherine Mitchell**  
**Primary Examiner**